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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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|-----------------|-------------|----------------------|---------------------|

08/990,501 12/15/97 CALUOR1

R CAL/972/US

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QM11/0915

EXAMINER

BAE, G

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

09/15/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/990,501

Applicant(s)
Raymond Caluori et al

Examiner
Gyoungghyun Bae

Group Art Unit
3724



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-7 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-7 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

DETAILED ACTION

Drawings

1. The drawings are objected to because the cut-away surface in Fig. 1A is not hatched; in Fig. 1D the thickness of the housing, shaft hole, the assembly 14 are not shown with the dotted lines; in Fig. 1B the drawing is incomplete and the assembly 14 and aperture are not aligned; Fig. 1A, Fig. 2A, Fig. 3 are not consistent. The reference numeral "40" in Fig. 3 should be --14--. Correction is required.

Specification

2. The disclosure is objected to because of the following informalities: In line 5, page 8, "switch 18" should be --centrifugally engaged motion activated switch 18--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-7, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bosten et al.

Art Unit:

For claims 1-2 and 4-7, Bosten et al discloses the same invention for a cut alignment device 56 which can be attached to any suitable surface on the miter saw as taught in lines 43-44 in column 3 including a battery power source of 5 volt DC taught in line 34 in column 4; a beam light source 90; a switch 54; the light source 90 mounted within the blade mounting device 48 and a hole 58 taught in line 37 in column 3; a focusing lens 92; a blade lock washer shown in Fig. 4 between the numeral 132 and 130; the battery power source of 5 volt DC taught in line 34 in column 4 mounted within the blade mounting device 48.

For claim 8, Bosten et al discloses the same invention for a cut alignment device 56 which can be attached to any suitable surface on the miter saw as taught in lines 43-44 in column 3 including a battery power source of 5 volt DC taught in line 34 in column 4; a light source 90; a centrifugally engaged switch is simply a spring mass contact-switch which is shown in many engineering text books; the light source 90 projecting a light beam through a hole 58 taught in line 37 in column 3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit:

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bosten et al base on a public use.

Bosten et al discloses the invention substantially as claimed except for the cetrifugally engaed switch; however, a centrifugally engaged switch is simply a spring mass contact-switch which is shown in the dynamics text books.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brand et al, Smith, Jehn, Kimura are cited to show the related device.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Bae whose telephone number is (703) 305-1920. The examiner can normally be reached on Monday through Friday from 8:00 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada, can be reached on (703) 308-2187. The fax phone number for this Group is (703) 305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

gbae
September 9, 1998


Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700